IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION

DONNA CURLING, ET AL.,)
Plaintiffs,)) CIVIL ACTION
vs.)
BRAD RAFFENSPERGER,) FILE NO. 1:17-cv-2989-AT
ET AL.,)
•)
Defendants.)

COALITION PLAINTIFFS' NOTICE OF INTENT TO SERVE SUBPOENA ON JANINE EVELER, COBB COUNTY ELECTIONS DIRECTOR

Pursuant to Rule 45(a)(4) of the Federal Rules of Civil Procedure, Plaintiffs Coalition for Good Governance, William Digges III, Laura Digges, Ricardo Davis, and Megan Missett ("Coalition Plaintiffs") hereby notify all parties that they intend to serve a subpoena on Janine Eveler, Cobb County Elections Director, to obtain, *inter* alia, evidence concering the conduct of the Cobb County 2019 pilot elections and the retention of election records. *See* Exhibit 1 attached hereto.

This 23rd day of December, 2019.

Respectfully submitted,

/s/ Cary Ichter
CARY ICHTER
Georgia Bar No. 382515

ICHTER DAVIS LLC

3340 Peachtree Road NE, Suite 1530 Atlanta, Georgia 30326

Tel.: 404.869.7600 Fax: 404.869.7610

cichter@ichterdavis.com

AND

Bruce P. Brown Georgia Bar No. 064460 bbrown@brucebrownlaw.com

Bruce P. Brown Law LLC 1123 Zonolite Road NE, Suite 6 Atlanta, Georgia 30306 Tel.: 404.881.0700

Attorneys for Plaintiffs Coalition for Good Governance, William Digges III, Laura Digges, Ricardo Davis, and Megan Missett

CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing document has been prepared in accordance with the font type and margin requirements of LR 5.1, using font type of Times New Roman and a point size of 14.

/s/ Cary Ichter

Cary Ichter

Georgia Bar No. 382515

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION

DONNA CURLING, ET AL.,)
)
Plaintiffs,)
) CIVIL ACTION
v.)
) FILE NO. 1:17-CV-2989-AT
BRAD RAFFENSPERGER,)
ET AL.,)
)
Defendants.)

CERTIFICATE OF SERVICE

I hereby certify that on December 23, 2019, I filed a copy of the foregoing NOTICE OF INTENT TO SERVE SUBPOENA ON JANINE EVELER, COBB COUNTY ELECTIONS DIRECTOR, with the Clerk of Court using the CM/ECF system, which will automatically send notification of such filing to all attorneys of record.

/s/ Cary Ichter
Cary Ichter
Georgia Bar No. 382515

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action



UNITED STATES DISTRICT COURT

for the

Northern District of Georgia

DONNA CURLING, ET AL.,			
Plaintiff) v.) BRIAN KEMP, ET AL.,) Defendant)	Civil Action No. 1:17-CV-2989-AT		
SUBPOENA TO PRODUCE DOCUMENTS OR TO PERMIT INSPECTION OF PRE	, INFORMATION, OR OBJECTS MISES IN A CIVIL ACTION		
To: Janine Eveler, Elect 736 Whitlock Avenue, Suite 400, M (Name of person to whom this	arietta, Georgia 30064-4663		
Production: YOU ARE COMMANDED to produce at the documents, electronically stored information, or objects, and to permaterial: See Exhibit "A".	e time, date, and place set forth below the following		
Place: Ichter Davis, LLC 3340 Peachtree Road NE, Suite 1530 Atlanta, Georgia 30326	Date and Time: January 10, 2020 at 10:00 a.m.		
Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.			
Place:	Date and Time:		
The following provisions of Fed. R. Civ. P. 45 are attached Rule 45(d), relating to your protection as a person subject to a subject to this subpoena and the potential consequences of not do	poena; and Rule 45(e) and (g), relating to your duty to		
Date: 12/23/2019 CLERK OF COURT	OR Cary Ichter		
Signature of Clerk or Deputy Clerk	Attorney's signature		
The name, address, e-mail address, and telephone number of the at	torney representing (name of party) Coalition Plaintiffs, , who issues or requests this subpoena, are:		
Cary Ichter, 3340 Peachtree Road NE, Suite 1530, Atlanta, Georg			

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 1:17-CV-2989-AT

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this suin (date)	bpoena for <i>(name of individual and title, if a</i>	ny)	
☐ I served the su	abpoena by delivering a copy to the nar	med person as follows:	
		on (date)	or
☐ I returned the	subpoena unexecuted because:		
tendered to the wi		States, or one of its officers or agents, I e, and the mileage allowed by law, in the	
\$	•		
y fees are \$	for travel and \$	for services, for a total of \$	0.00
I declare under pe	enalty of perjury that this information i	is true.	
re:		Server's signature	
		Printed name and title	
		Server's address	

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

AO 88B (Rev. 02/14) Subpoens to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action(Page 3)

study that was not requested by a party.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpocena, order appearance or production under specified conditions if the serving party:

(I) shows a substantial need for the testimony or material that cannot be otherwise and without under bardship; and not describe specific occurrences in dispute and results from the expert's (II) disclosing an unretained expert's opinion or information that does

(ii) custures that the subpoensed person will be reasonably compensated. ofherwise met without undue hardship; and

procedures apply to producing documents or electronically stored (1) Producing Documents or Electronically Stored information. These

information in more than one form.

made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule $2\delta(b)(C)$. The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoensed information under a claim that it is privileged or subject to protection as trial-preparation.

(g) Contempt.
The court for the district where compilance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoens or an order related to it.

(is) information irroduces. It minimizen produced in response to a subpoens is subject to a claim of privilege or of protection as subpoens is subject to a claim of privilege or of protection as uniformation material, the person maching the claim may notify any party that received the information of the claim and the basis for it. After being information and any copies it has; must not use or disclose the information and any copies it has; must not use or disclose the information and any copies; it has; must accessible steps to retrieve the information if the party disclosed it before being notified; and may promply present the information under seal to the court for the district where produced the information must preserve the information muit the claim is produced the information must preserve the information until the claim is

(ii) describe the nature of the withheld documents, communications, or teagible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a second control of the parties of the part

(D) Inaccessible Electronically Sloved Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is reasonably accessible because of undue burden or cost. If that showing is made, the court may conceive demonstrate or made, the court may conceived sources if the

minimation:

M. Documents. A person responding to a subpoens to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the eategories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoens does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in information, the person responding must produce it in a form or forms in Calestronically Stored Information Produced in only One Form. The person responding need not produce the same electronically stored procured in more than one form.

(e) Duties in Responding to a Subpoena.

(j) extressely make the claim; and

naterial must:

significant expense resulting from compliance.

exception or waiver applics; or

the following rules apply:

taing, or trial.

fails to comply.

complete as the area reprined to under the conflicted by a subpoces, the court for the district where compliance is required may, on motion, quash or modify the subpocens if it requires:

(i) disclosing a trade secret or other conflictuial research, development, or commercial information; or

(iii) requires disclosure of privileged or other protected matter, if no

specified in Rule 45(c);
specified in Rule 45(c);

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the court for the district where compliance is required must quest or modify a subpoena that:

(i) fails to a list as reasonable time to comply;

order must protect a person who is neither a party nor a party's officer from order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an may move the court for the district where compliance is required to an analysis of the district where compliance is required to an analysis of the district where compliance is required to an analysis of the district where the court for the district where the dis

became, or a train.

So Objection. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoens a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for The objection must be served before the safety of 14 days after the subpoens is served. If an objection is made, the following rules amily:

permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition,

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to

lost estraings and reasonable attorney's fees—on a party or attorney who

enforce this duty and impose an appropriate sanction—which may include

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subposen must take reasonable steps to avoid imposing undue burden or expense on a person aubject to the subposing undue burden or expense on a person subject to the subject where compliance is required must subject to the district where compliance is required must

(2) For Other Discovery. A subpoens may command:

(A) production of documents, electronically stored information, or ungible things at a place within 100 miles of where the person resides, is

(i) is a party or a party's officer; or (ii) is commanded to attend a trial and would not incur substantial (ij) is commanded to attend a trial and would not incur substantial

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(1) For a That, Hearing, or Deposition. A subpoens may command a person to strend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or

regularly transacts business in person; or

(c) Place of Compliance.

(d) Protecting a Person Subject to a Subpoens; Enforcement. (B) inspection of premises at the premises to be inspected. employed, or regularly transacts business in person; and

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013).